

Notice of Allowability

Application No.

10/761,172

Examiner

Andrea M. Valenti

Applicant(s)

KITCH, GERALD C.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 30 September 2004.
2. ☒ The allowed claim(s) is/are 1 and 3-7.
3. ☒ The drawings filed on 20 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Carter on 30 November 2004.

The application has been amended as follows:

Claim 1, line 5, 'attached to' was changed to --integral and continuous with--

Claim 1, line 6, 'attached to' was changed to --integral and continuous with--

Claim 1, line 7, 'at least one slot in said bottom' was changed to --at least one slot in the surface of said bottom--

Claim 1, line 8 and 9, 'said locking tab received in said slot;' was changed to --said locking tab extending around said second edge of said bottom and received in said slot;--

Claim 1, line 10, 'first and second end walls;' was changed to --first and second triangular end walls;--

Claim 1, line 11, 'attached to' was changed to --integral and continuous with--

Claim 1, line 12, 'attached to' was changed to --integral and continuous with--

Claim 1, line 15, 'attached to' was changed to --integral and continuous with--

Claim 1, line 16, 'attached to' was changed to --integral and continuous with—

Claim 6, line 2, 'said fourth edge' was changed to --said second edge--

Allowable Subject Matter

Claims 1 and 3-7 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent No. 4,792,082; U.S. Patent No. 4,391,223; U.S. Patent No. 5,738,477; U.S. Patent No. 4,803,952; U.S. Patent No. 6,662,947; U.S. Patent No. 4,607,784; U.S. Patent No. 1,889,985; U.S. Patent No. 5,184,436; U.S. Patent No. 2,364,836; U.S. Patent Pub. US 2004/0084513; U.S. Patent No. 3,184,146; U.S. Patent No. 3,891,136; U.S. Patent Des. 224,684; French Patent FR 2618050 teach pet houses being foldable from a collapsed state for shipping and storage to an erect state substantially formed from a unitary blank of material with a bottom; said bottom having first, second, third and fourth edges, first and second side walls integral and continuous with one another forming an apex at the top of said house; said first side wall integral and continuous with said first edge of said bottom; first and second triangular end walls; said first end wall having an opening therein to permit the pet to enter and exit said house, said first end wall integral and continuous to said third edge of said bottom; said second end wall integral and continuous with said fourth edge of said bottom; first and second extensions integral and continuous with said first end wall and third and fourth extensions integral and continuous with said second end wall; said first and third extensions being fastened to said first side wall: said second and fourth extensions being fastened to said second side wall.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination at least one slot in the surface of said bottom near said second

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edge; at least one locking tab extending from said second side wall; said locking tab extending around said second edge of said bottom and received in said slot; and a means for attaching said first end wall to said first and second side walls; a means for attaching said second end wall to said first and second side walls. Examiner has identified the statement of "a means for attaching said first end wall to said first and second side walls; a means for attaching said second end wall to said first and second side walls" as a means plus function statement that is defined on page 1 of applicant's specification under Summary of Invention as "preferably by means of aligned holes and locking clips."

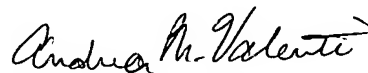
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

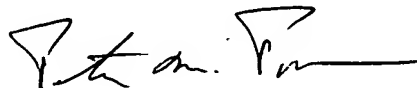
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti
Patent Examiner
Art Unit 3643

30 November 2004



Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600